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091318Z Sep 03

UNCLAS SECTION 01 OF 03 HO CHI MINH CITY 000836

SIPDIS

SENSITIVE

DEPARTMENT FOR PRM PAM LEWIS, DRL/IRF, EAP/BCLTV  
DHS FOR RALPH FOELSTER

1E. O. 12958: N/A

TAGS: PHUM PREF PREL PGOV SOCI VM HUMANR RELFREE

SUBJECT: POTENTIAL P1 REFUGEES TO STAND TRIAL FOR ESPIONAGE  
ON SEPTEMBER 10

11. (SBU) Summary: Mrs. Nguyen Thi Hoa, Mr. Nguyen Truc Cuong and Mr. Nguyen Vu Viet -- the niece and nephews of jailed Catholic priest Father Nguyen Van Ly -- will go on trial in Ho Chi Minh City People's Court for "espionage" on September 10. Under Article 80 of the Criminal Code, "espionage" is defined as "collecting and distributing documents and information to foreign countries to be used against the Government of Vietnam." Referrals on behalf of these three individuals for Vietnam's In-Country Priority One (P1) refugee-processing program have been filed at the Department. The niece is currently under house arrest, while the two nephews are in jail. Consular officer met with the niece and other immediate relatives on September 7. They expressed strong interest in the P1 program. This case has attracted some Congressional interest, and is being closely monitored by ConGen and Embassy. End summary.

12. (SBU) On September 5, 2003, Post received via fax three Vietnamese Priority One Referral Forms for Mrs. Nguyen Thi Hoa (DOB:November 28, 1959), Mr. Nguyen Truc Cuong (DOB:November 1, 1967) and Mr. Nguyen Vu Viet (DOB:February 24, 1975). The referrals were submitted by Boat People S.O.S., at the request of Ms. Ngo Thi Hien, chairwoman of the U.S.-based Committee for Religious Freedom in Vietnam. Copies of these referral forms were faxed from Senator John McCain's office to the U.S. Embassy in Hanoi, and forwarded to ConGen HCMC the same day. The three individuals are siblings, and are the niece and nephews of Father Nguyen Van Ly, a Catholic priest who was sentenced and imprisoned by the Vietnamese Government in 2002 for activities that "have undermined the unity and stability of the nation."

13. (SBU) Upon receiving the referrals and after consultation with the Embassy, the Consulate General informed the local office of the Foreign Ministry in HCMC (External Relations Office - ERO) that it intended to pursue the case. A meeting was arranged for September 7, through an activist Protestant house church pastor, who is also the self-appointed legal representative of the family. The family lives in Dong Nai Province, 25 kilometers northeast of Ho Chi Minh City. In attendance at the meeting were the Consulate's Refugee Resettlement Section acting chief, Mrs. Nguyen Thi Hoa (niece and proposed beneficiary), Mrs. Nguyen Thuy Uyen (wife of one of the nephews and indirect beneficiary), various other family members, the self-appointed legal representative, and his interpreter. The ConGenoff was able to conduct the four-hour meeting without interruption or hindrance by Vietnamese security or surveillance officers.

14. (SBU) The niece and nephews were referred to the Vietnam P1 program by Dr. Nguyen Dinh Thang of Boat People S.O.S in Falls Church, VA, via Ms. Ngo Thi Hien of the U.S.-based Committee for Religious Freedom in Vietnam. There is no date on the referral form. (Post Note: Ms. Ngo Thi Hien is featured in the niece's story of what led to her original detention.)

15. (SBU) Father Ly's niece and nephews have indicated their desire to apply for permanent resettlement in the United States: Mrs. Nguyen Thi Hoa in direct conversation with ConGenoff on September 7, and Mr. Nguyen Vu Viet and Mr. Nguyen Truc Cuong (who are under arrest) through their next of kin - sister Nguyen Thi Hoa and Nguyen Thuy Uyen (wife of Cuong) -- on the same date. The niece and nephews claim to have been subjected to harsh and/or discriminatory treatment within the past thirty-six (36) months. They claim to have been targeted because of their religious activity and beliefs and for their actual and imputed political opinions.

16. (SBU) Following is a summary of information gathered during the September 7 meeting and three subsequent phone conversations:

1A. Mrs. Nguyen Thi Hoa:

Mrs. Hoa said she had been arrested in June 2001 for

"spying." She also provided official Vietnamese documents that listed this charge. She was detained from the time of her arrest until October 2001. According to Mrs. Hoa, one day after her uncle Father Ly's arrest on May 17, 2001, Father Ly's mother (also Mrs. Hoa's grandmother) passed away. A Ms. Doan Trang and Ms. Ngo Thi Hien in the U.S. sent a total of \$2300, as financial support for visiting Father Ly (being held in detention in Hue) and building a tomb for his mother. From that time on, Mrs. Hoa had numerous communications with both women -- Ms. Doan Trang, who apparently worked for a radio station in California, and Ms. Ngo Thi Hien from the U.S.-based Committee for Religious Freedom in Vietnam. Both women inquired about the welfare of her priest uncle. Mrs. Hoa advised ConGenoff that she had provided them information regarding Father Ly's situation. She informed them that she had tried to visit Father Ly in Hue. The Vietnamese Government had told her that she could not meet him in person, but she was permitted to leave extra food for him. Mrs. Hoa stated that she herself had also initiated calls to the two women in California, to talk about Father Ly's situation during this one-month period.

On June 18, 2001, police surrounded the homes of Mrs. Hoa, her brother Viet, and her mother, which are all adjacent to each other in Thong Nhat district, Dong Nai Province, to conduct a search. After the house search, police arrested Mrs. Hoa and confiscated letters from overseas and documents downloaded from the Internet by her brother Viet regarding Father Ly's activities. Mrs. Hoa was released from detention on October 25, 2001. Upon her release, the police informed her that she would be kept under house arrest until her case was resolved. Mrs. Hoa does not know what to expect at the trial. She stated that the only time she has gone to Ho Chi Minh City in the last two years was when HCMC police were considering opening an investigation on her and she was summoned for questioning. As late as July 2003, Mrs. Hoa was being charged with "abuse of religious freedom to harm the government." Mrs. Hoa stated that she had orally repeated elements of Father Ly's speeches to personal acquaintances, but had never disseminated written information.

Mrs. Hoa, a widow with five years of grade school education, supports herself and her four children by running a small shop out of her home. She said her business had suffered a great deal due to her "status", because many of her neighbors are afraid to associate with her.

**1B. Mr. Nguyen Truc Cuong:**

Mr. Cuong was arrested in Quang Ngai province sometime in June 2001, and subsequently was transferred to and remains in Chi Hoa prison. He is a house painter who left high school before graduating. A ConGenoff spoke with Mrs. Nguyen Thuy Uyen (DOB: May 12, 1974) who married Cuong in 1995, at the home of Mr. Nguyen Van Dung, brother of her husband. Mrs. Uyen stated that her family would like to be considered for the P1 program, and she made that commitment on behalf of her jailed husband.

According to Mrs. Uyen, her husband disappeared in June 2001 in Quang Ngai, on his way to Hue to try to visit Father Ly in jail. This was following a telephone request from Mrs. Doan Trang in the United States. Mrs. Uyen knew her husband had been asked to do something by Ms. Doan Trang, but at the time was unclear exactly what. (Post Note: Mrs. Uyen did not appear to realize that Ms. Doan Trang worked for a radio station.) Mrs. Uyen later learned that Cuong was arrested after visiting and taking pictures of Patriarch Thich Huyen Quang (the leader of the outlawed United Buddhist Church of Vietnam, who was under house arrest himself) at the request of Mrs. Doan Trang. Although Mrs. Uyen and Mr. Dung, Cuong's brother, repeatedly tried to determine the whereabouts of Cuong, she was not able to see him until October 2001 at the B34 Camp in HCMC. After Mr. Cuong's initial arrest in Quang Ngai, he was first transferred to a detention facility in HCMC and finally to Chi Hoa prison, also in HCMC. He is allowed two visits from his wife every month while awaiting trial. According to Mrs. Uyen, Cuong has been charged with "espionage," among other crimes.

Mrs. Uyen told ConGenoff that she and Cuong have a seven-year-old son. She supports herself, her son, and her husband by doing seamstress work from her house. She said that her customers are afraid to come to her shop because the police question them if they do so. Mrs. Uyen did say that she herself had not been questioned by the police, nor were there any restrictions on her movements. She and her husband left high school before graduating.

**1C. Mr. Nguyen Vu Viet:**

Viet was arrested on June 18, 2001, in Phu Nhuan district, Ho Chi Minh City, and remains in prison. According to the family, Viet is a graduate of HCMC's Open University and has

a degree in English. He worked for the "Tourist Department" in Ho Chi Minh City where he was responsible of organizing overseas tours for Vietnamese. He is also accused of "espionage," according to his brother Mr. Dung and Mrs. Hoa.

Mrs. Hoa also informed ConGenoff that Mrs. Ngo Thi Hien contacted Viet from the U.S. and asked him questions regarding the circumstances of Father Ly's arrest and his mother's funeral prior to his arrest. Mrs. Hoa stated that her brother Viet often brought home printouts that he had downloaded from the Internet regarding Father Ly and his activities for family members to read. She was not sure, however, whether brother Viet ever disseminated information over the Internet since he lived alone. Mr. Viet is single, so our information about him has come from relatives.

17. (SBU) Post Note: Our most important consideration at this point is the welfare of the three accused and their families. We do not want to put them in any (further) jeopardy. In fact, ConGenoffs had to dissuade the Protestant pastor cum self-appointed legal representative from posting photos on the Internet "to generate publicity for this case and the American Consulate." Post further had to remind him that he should not represent himself as "an agent of the Consulate", nor his activities as being on our behalf. Since neither the niece, nephews, nor anybody in their families currently has a passport or exit permit, even with a P1 approval, it would be virtually impossible for them to leave Vietnam under this program without some form of cooperation from the Vietnamese Government. Mission has received inquiries from Senator McCain's and Senator Frank Lautenberg's offices.

YAMAUCHI